



.

.

•

I	
	:
4	1.1
4	1.1.1
8	2.1.1
11	2.1
12	1.2.1
14	2.2.1
18	3.1
18	1.3.1
20	2.3.1
	:
25	1.2
25	1.1.2
27	2.1.2
27	1.2.1.2
28	2.2.1.2
29	2.2
30	1.2.2
31	2.2.2
33	3.2
33	1.3.2
35	2.3.2

35	1.2.3.2
38	2.2.3.2
	:
43	1.3
43	1.1.3
45	2.1.3
47	3.1.3
48	2.3
48	1.2.3
50	2.2.3
54	3.3
54	1.3.3
56	2.3.3
58	1.2.3.3
60	2.2.3.3
63	3.2.3.3
65	4.2.3.3
	:
69	1.4
69	1.1.4
72	2.1.4
74	2.4
74	1.2.4
75	2.2.4
76	3.2.4
77	4.2.4
77	3.4

`

78 79 82 83 84 85 86

92

94

1.3.4

2.3.4

3.3.4

1.4.4

2.4.4

3.4.4

4.4

٥

2009

II II

(1/74)

(88)

Abstract Coercion As a deterrent for retributive Responsibility

Tarek zeyad Alnawayseh Mu'tah univ-2009

In this study we discussed the subject of coercion as a deterrent for retributive responsibility as coded by the rule (1/74) in penalty code the condition of retributive responsibility as it indicated that " there is no judgment with a penal as he didn't do the act consciously and in case of coercion there is no intentional crime".

The Jordanian legislator has assigned the material (88) for coercion in penalty code, so this study aimed to take this subject by identifying both types of coercion substantial and in corporal and clarifying their resources and types, distinguishing them from which is similar to them from other deterrents, and also clarifying the legal nature and conditions that must be available for each.

the importance of the study came from the effect side that result from coercion of not punishing the one who is being coercioned for what he has coercioned on.

So, the study four chapters has discussed this subject.

The initial initiative was about the base of retributive responsibility, its elements, and its relation with coercion, the second chapter was about substantial coercion, the third was about corporal coercion, and finally the four chapter was a bout the effects of coercion.

(1) (1/74)

": (88)

374 1960 16 (1)

.1960/5/11 1487

. (88)

•

(1) (88)

11

п

•

(88)

·

_

· :

· :

II ...

: : **1.1**

(1)

.

: 1.1.1

(2)

1948 (1) .2

(2)

(1)

. (2) .

· (3)

. (4)

1988 (1)

.486 555 5 1971 (2) .6

.3 (3) 4 .1984 (4)

. (1)

- -

11 11 11

. (2)

. (3)

(4)

.64 1981 (1) 1991 (2) .67

. 71 (3)

.78 (4)

:(1)

.1

.2

.3

.4

.5

. (2)

5

(1) (2) 1983

. (1)

. (2)

: **2.1.1**

: 74

п

.

(89 88) (36)

(92) (93)

. 79 (1) .73 (2)

.1968/4/16 2089

": (92)

n •

: 78

п

(77) (1)

· :

·

п

. (2) u

" : :

2005 (1) .388 1

.(35.36) (2)

· (1) · ·

. (2) "

(3) "

(4) "

п

(6) II

.(29) (1)

.(21·22) (2) .(72) (3)

.(39.38 40) (4)

(7.8) (5)

.(28) (6)

2.1

. (1)_{II}

_ (2) _

. (3)

(74)

1983 (1)

.30 : (2)

.487 1988 1991 (3) .79

11

. II

. 1.2.1

(1)

. (2)

(3)"

. (4)

.389 (1) 1967 (2) .15

1969 (3) .23

1994 (4) .884 . (1)

(2)

1968 24

:

(36)

II .

:

(21)

:

(19) .

.439 359 .289 (2) :

. (18) 2.2.1

· :

-

(1) ·

. (2)

.391 (1) 1966 : (2)

-1

н н

. -2

. :

-

. (1)

: -1

.16 14 (1)

. (1)

(2)

1999 (1) 356 1997 (2)

: -2

. ⁽¹⁾ . -3

п

. (2)

(3)

.164 1971 (1) .504 (2)

.18 (3)

. (1)

(89.88)
(36)
. (93.92)

. 1.3.1

. 224 (1)

(1) (2) (3) . (4) . (6) . (5) и (7) и (1) 1964 1384 .13 6 (2) 321 .414 2 .13 6 (3) 1958- 1377 (4) 458 98 1 4 4 1817 1344 .291 2 .412 291 (5) 2 4 (6) 1366 1 5 .172 (7) 1972

п (1) п . (2) п

: . (3)_"

. (4)

. "

(5) **"**

. 2.3.1

1982 (1)

.1 .272

2004 (3)

.62 2002 (4)

.60 1990 (5) .427 2 .

(90-88) " "

(1) II II

(1)

. (2)

.

. :

" (1) (1) ." (2) "

1998 (2)

1997 698 3 1 -

· (1)

. (2)

11 11

(3)

2004 (1)

.154 .65 (2)

2002 (3)

.736

2003 :

.(1) (88)

- -

•

.411 (1)

:

. (1)

" 64 40 ".... 71

" 45 " (46) "

. (2)_{II}

46 33 (1)

" (65) 1883

(65)

1984 : (2) .398 3 (88)

":

n and a second a second and a second a second and a second a second and a second and a second a second a second a second a second and a

II II

11

.

. 1.2

. 112

. **1.1.2** :

:

". (1)

.(2)

: ":

п (3) п

. (4)

1995 (1) .977 1987 (2)

1987 (2) : 381 1 . 576

.725 : (3)

1982 (4) : 539 5 .702 . 2.1.2

. (1)

. 1.2.1.2

. (2)

(3)

(4)

2007 (1)

. 156 . (2)

.702 (3)

2005 (4)

.202 1

(1)

(2)

(3)

2.2.1.2

. (4)

.601 4 1979 (1)

. 702 (2) .157 (3)

(4)

.http://www.barasy.com

(1) .

. (2)

-

. 2.2

. 88 . 89

. 158 (1) 1999 (2) .295 2 1.2.2

. (1)

II II

(2)

. (3)

. (4) .

: 63 (1) .725 540 (2)

.209 1983 (3)

.494 1997 (4) 1998 : 390

1998 : 390 .548

. (2)

2.2.2

. (3)

. (4)

1990 (1)

.963 : 204 (2)

.703 .500 (3)

.64 (4)

· (1)

_ _

. (2) .

(3) ": (261)

n (4)

- :

.727 : (1)

(2)

.495 553

.964 (3)

2645 (2) 1976 (43) (4)

1976/8/1

829 1976\43

.1996\3\16 4106

(1)

. 3.2

. 1.3.2

(3)

. (4)

.728 (1) (2)

1969 (3) .79

.72 (4)

(1)

. (2)

. (3)

_

.70 (1)

(1) .477 (2)

.4 (3)

· (1)

. (2)

. **2.3.2** : (88)

.....

. " •

: :

. 1.2.3.2

.154 (1)

.154 (1) 2004 (2)

100

" (88) ...

(2)

. (3)

_

. (4)

.410 (1)

.141 (2)

.96 (3)

.183 (4)

. (2)

(1) (2) .411

--

. (1)

. 2.2.3.2 (88)

. (2)

)
(

(

. (3)

.99 (1) .210 (2)

.410 (3)

. (2) .

(3)

11

.542 (1)

.542 (1) (2) .198 -

.170 (3)

(1)

. (2) .

. -

(3)

.161 (1) .706 (2)

.93 (3)

· u

(2) u

": (139)

.411 (1)

4342 (98/65) (2) .1998 (12) ": 61

. (1)

(61)

. (2)

: 52

: 49

(3)_{II}

.32 (1) .41 (2)

.611 : (3)

. 1.3

. 1.1.3

· :

(1)

: 382 (1) : 579

·

. (1)

:

-1 (2)

. (3)

: 17 (1) 1985 337 1

.500 .459

1964 (3) 669 1934

-2

. ⁽¹⁾
. **2.1.3**

. (2)

. (3)

(4)n

.576 (1) .411 (2)

: 555 (3) .395

> 3273 99/3 (4) .99 (9.10)

(88)

. (2)"

. (3)

.554 (1)

896 (2) 99/414

.2001 (4.5.6)

(3) 75 :

. 3.1.3

•

· (1)

. :

.

:

(2) ·

.77 (1) .78 (2)

(90-88)

. 1.2.3

. (2)

.337 (1)

.337 (1) .709 (2)

. (2)

(3)

. 391 (1)

.410 (2)

(3)

: 528 : 553

(1)

. (2)

2.2.3

(89) (90.89)

(90)

.710

(1) (2) 293

. (1)_{II}

·(2) "
·

. (3)_{II}

. (4)

--

(1)

- 1984 (3) .384 267

.412 (4)

. (2)

(3)

. (5) (4)

(1) (2) .609

577

967

.401 (3) .577

(4) .169

(5) .712

. (2)

. (3)

(1) (2) .221

.399 (3) 83

. 3.3

. 1.3.3

. (2) .

1898 4 Chateau – Thierry

.84 (1)

.5 (2) 548 : (3)

54

(1):

. (2)

(1) (2) .891

. (2)

2.3.3

(90-88)

(1)

(1) (2) .6

157

(2)

(88) (61)

.⁽¹⁾ (61)

(227)

(2)

(1) 45

104 (2)

705

(88)

.4

1.2.3.3

(88)

:

. (2) "

· ":

712 (1)

2003 .111

. 1998/3/30 98/65 (2)

. (1) "

. (2)

. 2.2.3.3

п

. (88)

1996/3/27 1996/176 (1) .1996/1/1 2034

.116 : (2)

п

(2)

(88)

(3)

: 410 (1)

.556 93 (2)

106

.396 (3)

(88)

(89)

(88)

. 556 (1)

(88)

. (1)
3.2.3.3
(88)

и

109 (1)

.(2)

(88)

(1) (2) 723

. (1)

(90) . (2) 4.2.3.3 . (88)

: 619 (1)

559 .560 (2) · (1)

(2)

: :

: .

. (3)

. (4)

: 128 (1)

.502

.557 (2) 722 (3)

.112

.129 (4)

. (1)

. (2)

(88) (88)

.503

(1) (2) 717

(88)

. 1.4

·

. 1.1.4

.

.

II II

_

(88)

.(1) (74)

. (2)

.548 545

(1) (2) 637

(1) " (88)

.(2)

.(3)

. (4)

(1) (2) .141

.555 (3) .268

(4) 141

2.1.4

. (1)

. (2)

(1) (2) 145

.528

. (1)

: :

:

.: (2)

(88)

(3) ₁₁

499 (1)

.148 .399

896 99/414 (3) .2001 (6.5.4) . 2.4

. 1.2.4

": 256

. (1)

.: (261)

п •

. (2)

: (1)

.453-357 2007 (2)

.343-333

. 2.2.4

138 :

(263)

. .

(1) .

(136)

.308 (1)

: :

:

(1/263) . ⁽¹⁾

. 3.2.4

()

. (2)

. 270 (1)

147 (2)

. 4.2.4

п

(1/263)

n n (1)

. 3.4

1/147

384 (1)

1961 (9) (2) .1961/3/16 1539 311 (1)

. 1.3.4

. (2)

1/147

.150 (2)

. (1)

2.3.4

. (2)

. (3)

.214

(1) (2) .152

(3) 1989

· : :"

· :"

. (1)

. (2)

." ."

· •

.509 (1)

.509 (1) .154 (2) :"

· (1)

(2)

" • •

: 482 (1)

.510 : 509 (2)

(1) "

. 3.3.4

(2)

_ _

-

:

_ _

. (3)

:

585 1998/7/23 98/407 (1)

.1998/1/1 (7)

.213 (2)

312 (3)

1991 :

. (1)

. 4.4

(74)

.158 (1)

(1)

. (227) . (227)

(3)"
228

"(4) .

.57 (1) .218 (2)

.7 (3)

.460 (4)

. (1)

(2) II

. (3)

. 2.4.4

.706 (1)

(4)

.706 (1) .7 (2) .218 " (3)

.343 (4)

(98)

п •

(97) (98)

. 3.4.4

....

(92)

.7 (1)

(1) ·

n n

•

: 710 (1)

:

:

. .1 . .2

.4

II II

256

261

.

:

:

.1 88 1960 (16) .

(88) .3

(89)

-

-

. (88) .4

. 1971 1990

1991

. 1987 . 1

(.)

1964 1384

.6 1984

(.) .

3002

(.) 321

.2

.1 5

458 1958 - 1377

.1 4

1005

1995

1971

1989

. 1982

.5

1988

.5

1998

.3

(.)

http://www.barasy.com:

1983

. (.)

.2 4 817

.1 (.)

1997

2002

4 1979 1981

(.)

.3 2004

1985

.1 1986

. 1994

(.)

.1

(.)

(.)

1991

.

1991